



# STATE PUBLIC WORKS BOARD

GAVIN NEWSOM • GOVERNOR

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## STATE PUBLIC WORKS BOARD

May 17, 2021

### APPROVED MINUTES

#### **PRESENT:**

Ms. Gayle Miller, Chief Deputy Director, Department of Finance  
Mr. Jim Davis, Chief Deputy Director, Department of Transportation  
Ms. Ana Lasso, Director, Department of General Services

#### **CALL TO ORDER AND ROLL CALL:**

Ms. Gayle Miller, Chairperson of the Board, called the meeting to order at 10:00 a.m.  
Ms. Kat Lee, serving as Secretary to the Board, called the roll. A quorum was established.

#### **BOND ITEMS:**

NONE

#### **MINUTES:**

The next order of business was to approve the minutes from the April 5 and April 16, 2021 Board meetings.

Ms. Miller stated that staff had prepared and reviewed the minutes from the April 5 and April 16, 2021 Board meetings and recommended approval of those meeting minutes.

Ms. Miller asked if there were any questions or comments from the Board, or from the public. There were none.

Ms. Miller stated that staff had prepared and reviewed the minutes from the April 5, 2021 and April 16, 2021 Board meetings.

**A motion was made by Mr. Davis and seconded by Ms. Lasso to approve the meeting minutes. The motion passed unanimously.**

#### **CONSENT ITEMS:**

The next order of business was to consider one consent item:

- Consent Item 1: If approved, the request would approve preliminary plans and recognize an anticipated deficit of \$ 9,534,000 for the Valley State Prison – Arsenic and Manganese Removal Water Treatment Plant, in Madera County for the Department of Corrections and Rehabilitation.

Ms. Miller stated that the item required a 20-day notice to the Joint Legislative Budget Committees and the fiscal committees in each house, and the review period for the action had expired without adverse comment.

Ms. Miller stated that staff recommended approval of the Consent Calendar, consisting of one item.

Ms. Miller asked if there were any questions or comments from the Board, or from the public.

Mr. Davis expressed his concern for the performance and errors by CDCR consultants in reference to design errors and omissions on the project. Specifically, he was concerned that the consultants did not recognize the State Fire Marshal requirements.

Mr. Chris Lief, Deputy Director for Facility Planning Construction and Management at the Department of Corrections and Rehabilitation, addressed Mr. Davis' concerns.

Mr. Lief stated that managing these projects was an ongoing challenge and CDCR staff are continuing to monitor consultants' performances.

Ms. Lasso stated that she had a very similar concern, and noted that understanding the current status of the project related to scope and budget would be very helpful.

Mr. Lief stated that it is an ongoing issue for the Project Management Branch and CDCR has been very focused on the problematic Health Care Facility Improvement Program projects. He noted that they have been short staffed and are in the process of hiring more staff and that they would endeavor to do better moving forward.

**A motion was made by Ms. Miller and seconded by Ms. Lasso. The motion passed unanimously through a 3-0 roll-call vote (Ms. Miller, Mr. Davis, and Ms. Lasso all voting aye).**

#### **ACTION ITEMS:**

The next order of business was to consider four action items:

- Action item 1: If approved, the action would adopt an amended Resolution of Necessity authorizing the use of eminent domain by the High Speed Rail Authority to acquire the following property or interest in property for the High Speed Train System for the Grewal Property in Fresno County.

Ms. Lukenbill stated that on December 11, 2020, the Board adopted a Resolution of Necessity authorizing the use of eminent domain to acquire the Grewal Property in Fresno County. Subsequent to that action, it was determined that it contained an error in the legal description of the subject property, precipitating the need for an amended RON.

April 30, 2021, a Notice of Intent to adopt a Resolution of Necessity was mailed to the property owner. The notice was sent in accordance with the Code of Civil Procedure section 1245.235.

Staff recommended adoption of the amended Resolution of Necessity authorizing the use of eminent domain to acquire the property or interests in property for the High Speed Train System.

Ms. Miller asked if there were any questions or comments from the Board, or from the public. There were none.

**A motion was made by Mr. Davis and seconded by Ms. Lasso. The motion passed unanimously through a 3-0 roll-call vote (Ms. Miller, Mr. Davis, and Ms. Lasso all voting aye).**

- Action Item 2: If approved, the action would adopt thirteen Resolutions of Necessity authorizing the use of eminent domain to acquire properties or interests in properties for High Speed Rail.

Ms. Lukenbill noted that property #7, the Whitley property, was pulled from the agenda and would not be part of the vote.

Ms. Lukenbill stated that the properties that were the subject of the action were within the right of way for the Initial Operating Segment, Section 1 of the High Speed Rail Train System, and that on April 30, 2021, Notices of Intent to adopt Resolutions of Necessity were mailed to the property owners. The notices were sent in accordance with the Code of Civil Procedure section 1245.235.

Ms. Lukenbill noted that the members' briefing packages contained the Resolutions of Necessity and maps for each of the thirteen properties and no objection letters or requests to appear were received.

Joe Carroll, serving as counsel to the Board on Eminent Domain items, presented the Resolutions of Necessity. He explained that it was counsel's opinion that there was prima facie evidence that the factors set forth in Code of Civil Procedure Section 1245.230 were present, and that if the Board agreed and determined that the factors were present, the Board may move to adopt the Resolutions of Necessity. Staff recommended adoption of thirteen Resolutions of Necessity authorizing the use of eminent domain to acquire properties or interests in properties for High Speed Rail.

Ms. Miller asked if there were any questions or comments from the Board, or from the public. There were none.

**A motion was made by Ms. Lasso and seconded by Mr. Davis. The motion passed unanimously through a 3-0 roll-call vote (Ms. Miller, Mr. Davis, and Ms. Lasso all voting aye).**

- Action Item 3: If approved, the request would approve an augmentation of \$2,661,000 for a Health Care Facility Improvement Program project at Ironwood State Prison, in Riverside County for the Department Of Corrections and Rehabilitation. The augmentation would address costs related to design errors and omissions, and additional costs for labor, guarding, inspections, and architectural and engineering and CDCR project management services.

Ms. Lukenbill stated that the item required a 20-day notice to the Joint Legislative Budget Committees and the fiscal committees in each house, and the review period for the action had expired without adverse comment.

Staff recommended approval of Action Item 3.

Ms. Miller asked if there were any questions from the Board, or from the public.

Ms. Lasso requested additional information regarding the 25 project sites, including the original budgets and square footage of each of the properties and current project costs.

Mr. Lief stated that they sent a document to Board staff with the original estimated costs for 31 prisons and were currently compiling the square footage at each of the sites and will be provided to the Board next week.

Mr. Davis suggested sharing the enterprise risk documents and estimate for future costs with Ms. Lasso.

**A motion was made by Ms. Miller and seconded by Mr. Davis. The motion passed unanimously through a 3-0 roll-call vote (Ms. Miller, Mr. Davis, and Ms. Lasso all voting aye).**

- Action Item 4: If approved, the request would approve an augmentation of \$1,528,000 for a Health Care Facility Improvement Program project at Sierra Conservation Center, in Tuolumne County for the Department Of Corrections and Rehabilitation.

Ms. Lukenbill stated that the item required a 20-day notice to the Joint Legislative Budget Committees and the fiscal committees in each house, and the review period for the action had expired without adverse comment.

Staff recommended approval of Action Item 4.

Ms. Miller asked if there were any questions from the Board, or from the public. There were none.

**A motion was made by Ms. Miller and seconded by Ms. Lasso. The motion passed unanimously through a 3-0 roll-call vote (Ms. Miller, Mr. Davis, and Ms. Lasso all voting aye).**

**GENERAL PUBLIC COMMENT:**

NONE

**REPORTABLES:**

Ms. Lukenbill presented the reportable items for the period April 6, 2021 through May 6, 2021.

Ms. Miller asked if there were any questions or comments from the Board, or from the public. There were none.

**NEXT MEETING:**

Ms. Miller stated that the next Board meeting was scheduled for Friday, June 11, 2021 at 10am, through a zoom meeting link that will be posted on the Board's website.

Ms. Miller asked if there were any other questions or comments from the Board, or from the public. There were none.

The meeting was concluded.